



Written Testimony to Michigan House Committee on Family and Children Services  
HB 5908 and 5909  
June 21, 2006

The ACLU of Michigan continues to strongly oppose HBs 5908 and 5909 on the basis that they promote state-sanctioned discrimination in adoption and foster care placement, based on a selective religious belief. We also believe that the bills actually harm children, in that not only do they disregard the best interests of the child, but also that they would shrink the already insufficient pool of adoptive parents, leaving children without loving families.

Proponents of these bills hold them out as a measure to protect religious liberty. That is patently false. The bill will give every agency that receives Michigan tax payer money carte blanche to disregard civil rights laws and to discriminate against adoption and foster applicants because of their religious faiths or because they don't otherwise share the agency's religious or moral beliefs.

Religious organizations have the right to adhere to their own religious beliefs and moral codes. They also have the right to facilitate both private foster and adoption placements according to those beliefs and code. However, when they contract with the State to serve as an agent of the State, when they take tax payer dollars to make placements, they are subject to the State's laws and policies regarding placements. As a voluntary agent of the state, they should not be given the right to discriminate. If a religious organization doesn't wish to adhere to Michigan civil rights laws or follow the best interests of the child, it doesn't have to take tax payer dollars. There are plenty of other foster and adoption agencies that would be willing to adhere to Michigan policy in order to receive state funding to do placements.

Even the White House executive order concerning faith based organizations prohibits federally funded faith-based social service agencies from discriminating on the basis of religion or religious belief. December 12, 2002 Executive Order, section 2(d). Thus if Michigan, enacts these bills, not only will it be in violation of the Constitution, regarding separation of church and state, but it will put Michigan at risk for losing its federal adoption and foster care assistance funding. See 42 USC Section 670 et seq (Subchapter IV (E) of the Social Security Act provides for federal payments to the states for foster care and adoption assistance).

In addition federal law mandates that states take measures to expedite adoptions of parentless children, not delay them, or lose federal funding as a consequence. Adoption

and Safe Families Act of 1997, Pub L No 105-89, 111 Stat 2115. According to the Michigan Supreme Court's Adoption Work Group Report (2002), 4,500 children are permanent state wards with the goal of adoption. Currently the State is only able to place about half these children in adoptive homes. To deny or delay appropriate placements, for reasons unrelated to the best interests of the child, is contrary to proponent's assertions, neither moral nor preventative. 5908 and 5909 are a recipe for disaster that will only harm kids.

Finally, at the June 7, 2006 both House Sponsors Stahl and Hummell (through Romy Crawford) indicated in their testimony that the bills were necessary to prevent religious – based adoption and foster placement agencies that receive Michigan tax payer dollars, from having to place children in homes with gay and lesbian parents. Ms. Crawford's testimony, raised the patently offensive and unchallenged presumption that gay and lesbians cannot be good parents to children. The attached social science research clearly indicates otherwise.